

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 151

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO FOOD ESTABLISHMENTS; AMENDING SECTION 39-1607, IDAHO CODE, TO
REVISE PROVISIONS REGARDING CERTAIN FEES; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-1607, Idaho Code, be, and the same is hereby
amended to read as follows:

39-1607. LICENSE AND OTHER FEES -- PROHIBITION ON ADDITIONAL FEES. (1)
A fee may be charged by the department of health and welfare's regulatory au-
thority for licensing a food establishment.

~~(a) The fee per food establishment for licenses issued from July 1,~~
~~2009, through June 30, 2010, shall be:~~

~~(i) Sixty-five dollars (\$65.00) for temporary food establish-~~
~~ments, intermittent food establishments and mobile food estab-~~
~~lishments without a commissary;~~

~~(ii) Seventy-five dollars (\$75.00) for mobile food establish-~~
~~ments with a commissary;~~

~~(iii) Ninety-five dollars (\$95.00) for all other food establish-~~
~~ments, except for food establishments with more than two (2) li-~~
~~censes on one (1) premises under common ownership; and~~

~~(iv) One hundred seven dollars and fifty cents (\$107.50) for food~~
~~establishments with more than two (2) licenses on one (1) premises~~
~~under common ownership.~~

~~(b) The fee per food establishment per year for licenses issued on and~~
~~after July 1, 2010, shall be:~~

~~(a) Thirty-five dollars (\$35.00) for a temporary food establishment~~
~~operating for one (1) day, forty-five dollars (\$45.00) for a temporary~~
~~food establishment operating for two (2) or three (3) days, and sev-~~
~~enty-two dollars (\$72.00) for a temporary food establishment operating~~
~~for four (4) or more days or at multiple events;~~

~~(i**b**) Sixty-five dollars (\$65.00) for temporary food establishments,~~
~~intermittent food establishments and mobile food establishments with-~~
~~out a commissary;~~

~~(i**c**) Eighty-five dollars (\$85.00) for mobile food establishments with~~
~~a commissary;~~

~~(i**d**) One hundred twenty-five dollars (\$125) for all other food es-~~
~~tablishments, except for food establishments with more than two (2) li-~~
~~censes on one (1) premises under common ownership; and~~

~~(i**e**) One hundred fifty dollars (\$150) for food establishments with~~
~~more than two (2) licenses on one (1) premises under common ownership.~~

~~(2) A license issued to a temporary or intermittent food establishment~~
~~by a regulatory authority shall be valid only for the celebration or event~~
~~for which the license was issued; however, no additional license fee will be~~

~~charged by a regulatory authority to a temporary or intermittent food establishment for other celebrations or events within the same calendar year and with the same menu. Effective January 1, 2020, the fee per food establishment per year for licenses shall be:~~

~~(a) Thirty-five dollars (\$35.00) for a temporary food establishment operating for one (1) day, forty-five dollars (\$45.00) for a temporary food establishment operating for two (2) or three (3) days, and seventy-two dollars (\$72.00) for a temporary food establishment operating for four (4) or more days or at multiple events;~~

~~(b) Seventy-two dollars (\$72.00) for intermittent food establishments;~~

~~(c) Seventy-two dollars (\$72.00) for mobile food establishments without a commissary;~~

~~(d) Ninety-two dollars (\$92.00) for mobile food establishments with a commissary;~~

~~(e) One hundred sixty dollars (\$160) for all other food establishments, except for food establishments with more than two (2) licenses on one (1) premises under common ownership; and~~

~~(f) Two hundred dollars (\$200) for food establishments with more than two (2) licenses on one (1) premises under common ownership.~~

~~(3) Effective January 1, 2022, the fee per food establishment per year for licenses shall be:~~

~~(a) Thirty-five dollars (\$35.00) for a temporary food establishment operating for one (1) day, forty-five dollars (\$45.00) for a temporary food establishment operating for two (2) or three (3) days, and eighty dollars (\$80.00) for a temporary food establishment operating for four (4) or more days or at multiple events;~~

~~(b) Eighty dollars (\$80.00) for intermittent food establishments;~~

~~(c) Eighty dollars (\$80.00) for mobile food establishments without a commissary;~~

~~(d) One hundred dollars (\$100) for mobile food establishments with a commissary;~~

~~(e) Two hundred dollars (\$200) for all other food establishments, except for food establishments with more than two (2) licenses on one (1) premises under common ownership; and~~

~~(f) Two hundred fifty dollars (\$250) for food establishments with more than two (2) licenses on one (1) premises under common ownership.~~

~~(4) Effective July 1, 2019, in addition to other fees assessed by this section, the designated regulatory authority may assess:~~

~~(a) A plan review and preoperational inspection fee of one hundred dollars (\$100);~~

~~(b) A late fee for any fees paid past the applicable deadline;~~

~~(c) A license reinstatement fee of eighteen dollars (\$18.00);~~

~~(d) A request for variance fee of fifty dollars (\$50.00) per hour;~~

~~(e) A compliance conference fee of one hundred dollars (\$100) per hour;~~

~~(f) Enforcement and legal fees of one hundred fifty dollars (\$150) per hour; and~~

~~(g) Fees covering operational costs for inspections conducted pursuant to federal law or regulation.~~

1 (35) Fees collected for licensing a food establishment shall be used by
2 the designated regulatory authority for funding a portion of the food safety
3 inspection program. The designated regulatory authority may not impose
4 fees on food establishments in addition to those provided by this section or
5 specifically authorized by other applicable law.

6 (46) ~~On and after January 1, 2010, t~~The regulatory authority shall re-
7 view at three (3) year intervals the cost data associated with the operation
8 of the food safety inspection program as well as actions taken to increase
9 the efficiency of such program and provide a report on ~~same~~ such review to the
10 health and welfare committees of the Idaho legislature.

11 SECTION 2. An emergency existing therefor, which emergency is hereby
12 declared to exist, this act shall be in full force and effect on and after its
13 passage and approval.

STATEMENT OF PURPOSE

RS26712C1

This bill makes changes and clarifications to the licensing and fees of food establishments by creating a more equitable system for temporary and intermittent food licenses, by gradually increasing the food licensing fees on all licenses in 2020 and 2022, by allowing late fees, plan review and pre-operational inspection fees to be charged, and by clarifying that Public Health Districts cannot implement or charge any additional fees or licenses for this program outside of this statute, and provides legislative oversight.

FISCAL NOTE

There is no negative fiscal effect on the general fund. The reduced state and county funds needed for this program due to the increased fees will allow the Public Health Districts to reallocate the money to be used towards other programs within the Districts that benefit the public health of Idahoans.

Contact:

Representative Megan Blanksma
Senator Jim Guthrie
(208) 332-1000

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

2019 Legislation

HOUSE BILL 151

The status of each bill, resolution, proclamation, and memorial is updated when the offices of the Secretary of the Senate and the Chief Clerk of the House publish the un-official daily journals and should not be deemed official. The official bill actions are located in the final journal, which are maintained by the offices of the Secretary of the Senate and the Chief Clerk of the House. **The daily journals are published at the end of each legislative day.**

Full Bill Information

Individual Links:

[Bill Text](#)

[Statement of Purpose / Fiscal Note](#)

H0151 by HEALTH AND WELFARE COMMITTEE

FOOD ESTABLISHMENTS – Amends existing law to revise provisions regarding licensing and other fees for food establishments.

02/13 Introduced, read first time, referred to JRA for Printing

02/14 Reported Printed and Referred to Health & Welfare

02/22 Reported out of Committee with Do Pass Recommendation,
Filed for Second Reading

02/25 Read second time; Filed for Third Reading

02/26 U.C. to hold place on third reading calendar one legislative day

02/27 U.C. to hold place on third reading calendar one legislative day

02/28 Read Third Time in Full – **PASSED - 35-27-8**

AYES – Abernathy(Nye), Amador, Anderson, Anderst, Andrus, Armstrong, Berch, Blanksma, Davis, Dayley, Ellis, Erpelding, Furniss, Gannon, Gibbs, Goesling, Green(18), Hartgen, Holtzclaw, Horman, Kauffman, Kingsley, Lickley, Marshall, Mason, McCrostie(Nash), Raybould, Raymond, Smith, Syme, Toone, Troy(Maurin), Wintrow, Wood, Youngblood

NAYS – Addis, Boyle, Chaney, Christensen, Collins, Crane, DeMordaunt, Gestrin, Giddings, Harris, Kerby, Mendive, Monks, Moon, Moyle, Nichols, Palmer, Ricks, Scott, Shepherd, Stevenson, Vander Woude, Wagoner, Wisniewski, Young, Zito, Zollinger

Absent – Barbieri, Chew, Clow, Dixon, Ehardt, Green(2), Rubel, Mr. Speaker

Floor Sponsor - Blanksma

Title apvd - to Senate

03/01 Received from the House passed; filed for first reading

Introduced, read first time; referred to: Health & Welfare

03/05 Reported out of Committee with Do Pass Recommendation; Filed for second reading

03/06 Read second time; filed for Third Reading

03/12 Read third time in full – **PASSED - 32-1-2**

AYES – Agenbroad, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cheatham, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lent, Lodge, Martin, Mortimer, Nelson, Nye, Patrick, Rice, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward

NAYS – Crabtree

Absent and excused – Anthon, Burtenshaw

Floor Sponsor - Guthrie

Title apvd - to House

03/13 Returned from Senate Passed; to JRA for Enrolling

03/14 Reported Enrolled; Signed by Speaker; Transmitted to Senate

03/15 Received from the House enrolled/signed by Speaker

Signed by President; returned to House

03/18 Returned Signed by the President; Ordered Transmitted to Governor

03/19 Delivered to Governor at 10:10 a.m. on March 18, 2019

03/18 Reported Signed by Governor on March 18, 2019

Session Law Chapter 95

Effective: 03/18/2019